

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XIAMIN ZENG,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DANIELLE  
FEBUS [RANK FY20000], INSPECTOR JOHN CHELL,  
DETECTIVE GARY DENEZZO [RANK FY20000],  
SERGEANT GEORGE TAVARES (#5354), POLICE  
OFFICER IRWIN LUPERON (SHIELD NO #27763),  
POLICE OFFICER ERLINE WILTSHIRE (SHIELD NO.  
#24340), and POLICE OFFICER CHRISTOPHER ROBLEY  
(#23263), in both their individual and professional capacities,

Defendants.  
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**DECLARATION OF  
JEFFREY F. FRANK IN  
SUPPORT OF  
DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT**

19 Civ. 3218 (JGK) (KHP)

Jeffrey F. Frank, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel at the New York City Law Department, Office of the Corporation Counsel, and I make this Declaration in support of defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. I am fully familiar with the matters set forth herein. In support of their motion, defendants submit the exhibits described below.

2. Annexed hereto as "*Exhibit A*" is a true and correct copy of the relevant portions of the transcript of the deposition of plaintiff, conducted on September 8, 2022.

3. Annexed hereto as "*Exhibit B*" is a true and correct copy of the relevant portions of the deposition of defendant Detective Danielle Febus, conducted on November 2, 2022.

4. Annexed hereto as “*Exhibit C*” is a true and correct copy of the transcript of plaintiff’s hearing pursuant to N.Y. Gen. Mun. L. § 50-h, conducted on February 27, 2019.

5. Annexed hereto as “*Exhibit D*” is a true and correct copy of excerpts from plaintiff’s medical records of treatment with Chun-Kit Chan, MD.

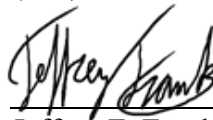
6. Annexed hereto as “*Exhibit E*” is a true and correct copy of excerpts from plaintiff’s physical therapy records.

7. Inspector John Chell and Officer Robley were never properly served and, therefore, are not defendants in this action.

Dated: New York, New York  
March 10, 2023

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel of the City of New York  
*Attorney for Defendants City & Febus*  
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(212) 356-3541

By: \_\_\_\_\_



Jeffrey F. Frank  
*Assistant Corporation Counsel*  
Special Federal Litigation

cc: All Counsel (via ECF)